

REMARKS/ARGUMENTS

Status of the Application

In the office action, claims 12-20 and 25-30 were rejected and claims 21-24 were allowed. Additionally, the Specification was objected to for having an improper layout and a non-descriptive title. In the present Amendment, claims 1-30 have been canceled, claims 31-35 have been added, and the specification has been amended. Thus, claims 31-35 are pending. No new matter was added.

Objection to the Specification

As per the Examiner's suggestion, the title of the application has been changed to "Aqueous Dispersion Comprising Polyurethane-Based Resins and Water-Insoluble Cellulose Ester, Methods for Preparing and Using Same, and Articles Coated with Same." Please note, as explained below, that the word "particles" as used in the previous version of the claims does not accurately capture the invention and thus was left out of the new title of the application.

The Specification has also been amended to place the application in proper utility application format. Additionally, the paragraphs on page 1 and page 47 that contain only the Assignee's name and an internal case number have been deleted.

Rejections Under 35 U.S.C. § 112, 2nd Paragraph

Claims 17-19 have been canceled, and no similar claims have been added. Thus, the rejections under 35 U.S.C. § 112, 2nd Paragraph are moot.

Rejections Under 35 U.S.C. § 102(b)

Claims 12-16, 18-20, 25, 26, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wenzel et al. (U.S. Patent No. 4,306,998). Because claims 12-30 have been canceled, Applicants argue from the standpoint of the newly added claims. Applicants apologize to the Examiner for this situation, but claims 12-30 did not accurately reflect Applicants' invention. Specifically, the invention does not include polyurethane resins

comprising a plurality of resin particles. The actual invention, reflected in the current version of the claims, is (1) to mix an optionally (meth)acrylated polyurethane resin with a water-insoluble cellulose ester and (2) convert the mixture into an aqueous dispersion yielding an aqueous dispersion of particles comprising the polyurethane resin as well as the cellulose ester within the particles (see pg. 3, lines 23 – pg. 4, line 27 of Applicants' specification).

Regarding the claim rejections under 35 U.S.C. § 102(b), Applicants submit that these rejections are moot. New independent claim 31 is similar to canceled claim 29, which was not rejected under section 102(b). Because claims 32-35 depend from claim 31, they should also not be anticipated by Wenzel et al.

Rejections Under 35 U.S.C. § 103(a)

Claims 17, 27, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wenzel et al. Applicants submit that these rejections are moot because claims 17, 27, and 28 have been canceled and none of the newly added claims cover similar scopes.

Claims 17-19 were rejected under section 103(a) as being unpatentable over Wenzel et al. in further view of Vogt-Brinbrich et al. (WO 95/28429). Claims 17-19 have been canceled, and no similar claims have been added. Thus, these rejections under section 103(a) are moot.

Claim 29 was rejected under section 103(a) as being unpatentable over Wenzel et al. in further view of Das et al. (WO 97/49739). Referring to claim 31, representing a similar scope to that of canceled claim 29, Applicants respectfully traverse this rejection.

Neither Wenzel et al. nor Das et al. supply the requisite suggestion to modify or combine the references to produce Applicants' claimed invention. "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available

to one of ordinary skill in the art.” MPEP § 2143.01. While one of ordinary skill in the art may have been motivated to combine Wenzel et al. with Das et al. for the purpose rheology improvement, there is simply no suggestion to combine these references for the actual object of Applicants’ invention, improving weathering resistance of two-layer lacquerings that comprise water-insoluble cellulose esters in the base layer (pg. 2, lines 13-27 of Applicants’ specification).

This improvement in weathering resistance is not an inherent characteristic of prior art coatings. Base lacquer layers containing water-insoluble cellulose ester produced by prior art processes, including those of Wenzel et al. and Das et al., weaken the weathering resistance of base lacquer/clear lacquer two-layer lacquerings (see pg. 2, lines 17-20 of Applicants’ specification). Contrarily, Applicants’ claimed process unexpectedly produced two-layer lacquerings with improved weather resistance as evidenced by Example 8a-f (see pg. 45, lines 15-33 of Applicants’ specification). Thus, Applicants’ respectfully submit that their claimed process solves the problem of weakened weather resistance in two-layer lacquerings that comprise water-insoluble cellulose esters in the base layer.


Because claims 32-35 depend from claim 31, the above arguments apply equally and will not be repeated.

Summary

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants’ representative at the telephone number below to resolve any remaining issues. Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

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Respectfully submitted,

By: 
Hilmar L. Fricke
Attorney for Applicants
Reg. No.: 22,384
Telephone: (302) 984-6058
Facsimile: (302) 658-1192

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